Draft

Spring Garden Road Commercial Area Plan

Recommended by:
Planning Department
City of Halifax
February 1983

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ACKNOWLEDGEMENT

The draft Spring Garden Road Commercial Area Plan, as presented here, has been developed by Planning Department staff in consultation with various interest groups, most particularly the Spring Garden Road Merchants Association and residents in and around the area. In its present form, however, it represents only the views and recommendations of the Planning Department.

Interested official bodies and the public will, of course, be given ample opportunity to review and comment upon its contents and recommendations before the Planning Advisory Committee. Thereafter, the plan document will be revised as necessary and the proposed amendments to the Zoning Bylaw finalized prior to their presentation for formal adoption to City Council.

Richard J. Matthews,
Director of Planning.

PREFACE

This Spring Garden Road Commercial Area Plan document is in four parts and is the result of the detailed area planning process followed by the City of Halifax in accordance with the provisions of the City's Municipal Development Plan and the Nova Scotia Planning Act.

Part I includes the Title and Authority as well as a description of the area and the general planning context in which the document has been developed.

Part II constitutes the detailed area plan proposed for adoption by Halifax City Council and thereafter for approval by the Minister of Municipal Affairs pursuant to the Nova Scotia Planning Act. Part II is officially titled "Section _____ " as it is proposed as an amendment to the Municipal Development Plan, setting out detailed objectives and policies for the Spring Garden Road Area.

Part III contains a summary of proposed changes to the Zoning Bylaw that are required in order to achieve the detailed objectives and policies of the Plan.

Part IV provides background information on the Spring Garden Road Area and outlines the considerations that were undertaken in preparing those policies and zoning provisions.

PART I

GENERAL

1. Title and Authority
2. Municipal Development Plan Context
3. Planning Process

1. TITLE AND AUTHORITY

Part II of this document and the text and maps, plans, and diagrams contained therein shall be known as Part II, Section _____ of the Halifax Municipal Development Plan entitled the Spring Garden Road Commercial Area Plan. This section has been prepared pursuant to the provisions of the Planning Act, Part III, Chapter 16, RSNS, 1969.

Part II, Section _____ of the Municipal Development Plan, the Spring Garden Road Commercial Area Plan, was prepared by the City of Halifax and was adopted by the Council of the City of Halifax in its meeting of ....., 1983 A.D., in accordance with the provisions of said Act and was approved by the Honourable ....., Minister of Municipal Affairs, on the ..... day of ....., 1983 A.D.

2. MUNICIPAL DEVELOPMENT PLAN CONTEXT

2.1 Procedural Elements

The Spring Garden Road Commercial Area Plan is prepared under a mandate established by the City through its adoption of the Municipal Development Plan, Part II, Section II, Policy 1.5, which states:

> Policy 1.5 The City shall prepare detailed area plans for predominantly unstable neighbourhoods or areas. The priorities and procedures by which the City shall prepare these plans shall conform to the official City report entitled "Areas for Detailed Planning" and subsequent amendments which may be made by the City thereto, as set forth in Part III, Section I of this document.

The Spring Garden Road Commercial area is identified in the Municipal Development Plan in Part II, Section II, Policy 1.5.2, which policy sets out a more specific official mandate for preparation of the detailed area plans.

> Policy 1.5.2 For the areas identified below and on Map 3, the City should prepare detailed area plans, adopt them, and submit them to the Minister as amendments to this Plan.
>
> 3. Spring Garden Road Commercial Area.

The area covered by this Plan is bounded by Sackville Street on the north, Brunswick and Queen Streets on the east, Clyde Street on the south, and South Park Street on the west.

Map 3 of the Municipal Development Plan indicates a larger area extending eastwards to Granville Street. However, that part of the area lying east of Brunswick Street is within the Central Business District and has been studied as part of that area.

The City thus has a mandate to prepare a detailed area plan for the Spring Garden Road Commercial Area as an amendment to the Municipal Development Plan and is required to prepare this plan in accordance with the official City report entitled "Areas for Detailed Planning". That report sets out a requirement for the City to seek the advice of the community in the preparation of such plans.

2.2 Policy Context

The major policy context for the Spring Garden Road area is established by future land use designation set out on Map 9 of the Municipal Development Plan. That designation shows the area to be predominantly commercial, and therefore governed by Policy Set 2, Commercial Facilities, of Part II, Section II, of the Municipal Development Plan, and forms the basis for the Spring Garden Road Detailed Area Plan.

In addition to that major policy context, the Municipal Development Plan and its various policy sets establish a framework for other uses which are also relevant in this case.

Much of the discussion of the context which lead to more detailed policies in this area plan may be found in Part IV of this document.

2.3 Detailed Area Plan Structure

As noted above, Part II of this document comprises the proposed plan. It does not include those housekeeping amendments required to incorporate the Spring Garden Road Commercial Area Plan into the body of the Municipal Development Plan. These generally include amendments to Part II, Section II of the MDP (e.g., deletion of reference to Spring Garden Road as an area for detailed planning), and amendments to the Implementation Policies (e.g., delete reference to Spring Garden Road in Policy 3.2.1).

3. PLANNING PROCESS

The Commercial Area Planning process started with a series of meetings with the Spring Garden Road Merchants Association during early 1979. A preliminary draft was prepared at that time, but a variety of circumstances led to the suspension of the process about midway through the year. In mid-1980 the process was resumed and previous work was revised. Beginning in

November, 1980, a new public participation program was initiated to hear the opinions of residents and other interested persons in and around the area, as well as the Merchants Association. A revised draft was prepared in March, 1981, with the intention of an early presentation to the public and the Planning Advisory Committee. However, representations were made by the Merchants Associations in May, 1981 stating their concern with that document, and it was withdrawn for further consideration.

The present draft addresses many of the concerns which have been brought forward to date. However, it should be noted that while the views expressed by the merchants and residents in the area are greatly appreciated, this document reflects only the considered opinion of the Planning Department.

With respect to the adoption process, a public meeting will be held by the Planning Department to explain this draft and provide the opportunity for public comment. The draft plan, together with these comments, will be forwarded to the Planning Advisory Committee for review. That Committee will, in turn, hold its own public meeting and after due deliberation, make its recommendations to City Council. Council, prior to its adoption of the Commercial Area Plan, will hold a public hearing. On adoption, the Plan will be forwarded to the Minister of Municipal Affairs for approval as an amendment to the Municipal Development Plan.

PART II

SECTION ___

SPRING GARDEN ROAD COMMERCIAL

AREA PLAN

CITY OF HALIFAX
MUNICIPAL DEVELOPMENT PLAN

SECTION : SPRING GARDEN ROAD COMMERCIAL AREA PLAN

Context

The detailed objectives and policies for the Spring Garden Road Area shall be considered as part of this Municipal Development Plan, pursuant to Part II, Section II, Policy 1.5.2.

Area Definition

For the purpose of this Municipal Development Plan, the Spring Garden Road Area shall be as set out in Map 1 of this Section.

Overall Objective

THE DEVELOPMENT OF THE SPRING GARDEN ROAD AREA AS A MAJOR ELEMENT OF HALIFAX'S LAND USE PATTERN IN A MANNER WHICH ENCHANCES ITS PRESENT CHARACTER, PROVIDES FOR INCREASED LEVELS OF COMMERCIAL ACTIVITY AND ENCOURAGES RESIDENTIAL USES AS A SECONDARY ACTIVITY IN THE AREA.

1. Residential Environments

Objective:

THE MAINTENANCE OF RESIDENTIAL USES IN THE SPRING GARDEN ROAD AREA AS A SECONDARY ACTIVITY, AND THE ENCOURAGEMENT OF NEW RESIDENTIAL DEVELOPMENT IN ASSOCIATION WITH COMMERCIAL USES.

Policy 1.1 The City shall encourage the development of new residential uses in the Spring Garden Road area as a component of new mixed-use developments, combined with commercial uses in the same building envelope.

Policy 1.2 Residential development that is part of a mixed-use development shall not be required to contain any two-bedroom units or larger.

Policy 1.3 Residential development that is not part of a mixed-used development shall be required to contain a mixture of unit types, of which at least 25 percent are two bedroom units or larger.

2. Commercial Facilities

Objective:

THE MAINTENANCE AND PROMOTION OF THE SPRING GARDEN ROAD AREA AS A MAJOR COMMERCIAL CENTRE, ACCOMMODATING A MIXTURE OF COMMERCIAL ACTIVITY PARTICULARLY HIGH-QUALITY RETAIL USES, BUT ALSO INCLUDING OFFICES, HOTELS, AND OTHER USES THAT ENHANCE ITS VITALITY.

Policy 2.1 The City shall encourage the development of the area as a major commercial centre pursuant to Section II, Policy 2.1.3.

Policy 2.2 The City shall permit only retail and personal service uses, including restaurants, taverns, lounges and similar uses, to locate at grade, adjacent to the sidewalks on Spring Garden Road between South Park Street and Queen Street.

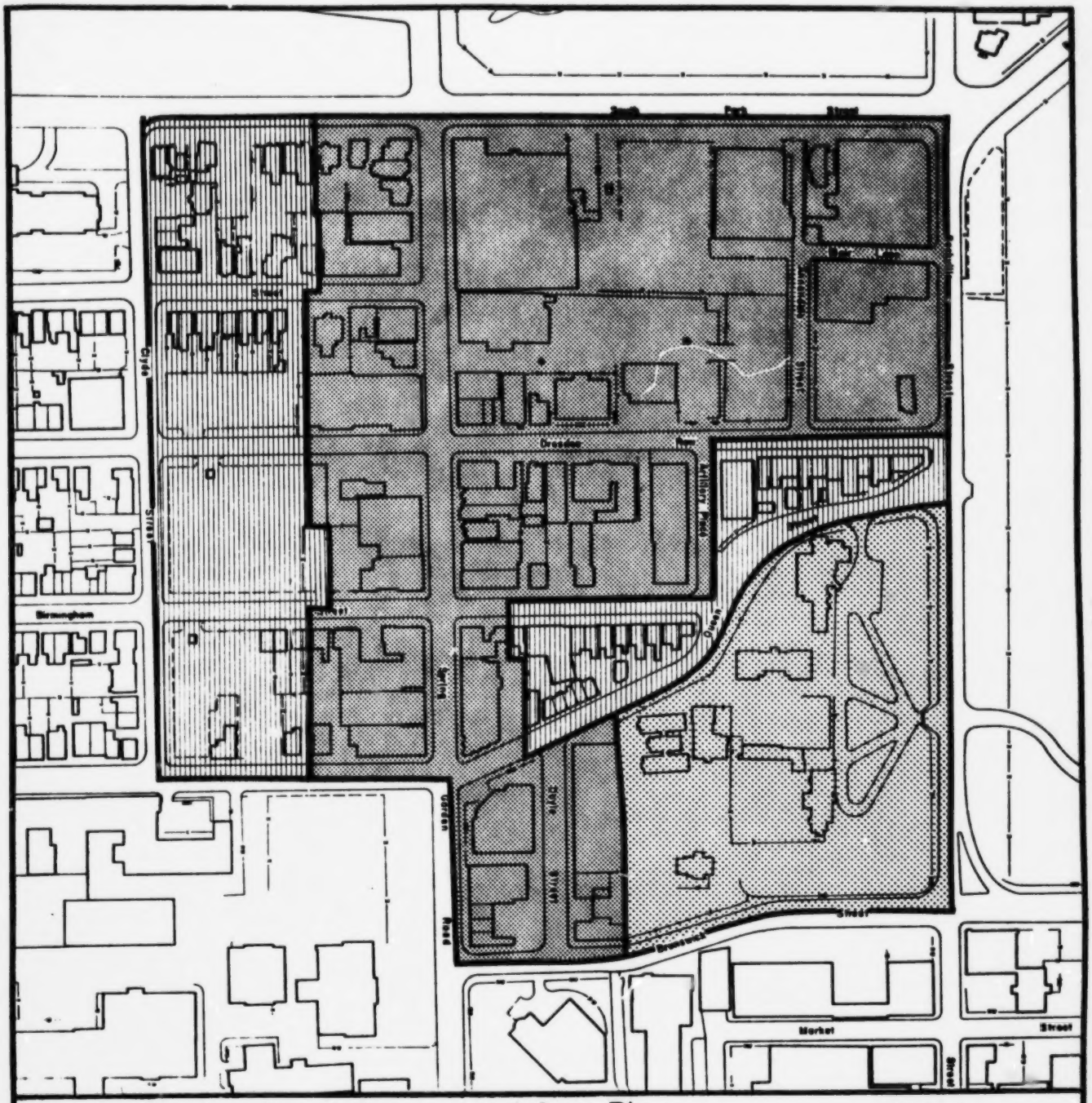
Policy 2.3 Commercial uses shall be permitted north and south of Spring Garden Road in areas designated "Mixed Residential-Commercial", and a mixture of residential and commercial uses in the same building envelope shall be encouraged in these areas through the provisions of the Zoning Bylaw.

Policy 2.3.1 In new mixed-use developments in areas designated "Mixed Residential-Commercial", the commercial floor space shall not exceed 40 percent of the total floor space.

Policy 2.4 For the areas abutting the north side of Clyde Street that are now used predominantly for public parking the City may consider applications for development under Section 33(2)(b) of the Planning Act provided that such development shall:

(a) incorporate parking provisions that shall, as a minimum, replace the parking spaces now provided on these sites for public use, as well as accommodate the parking requirement generated by the development itself;
(b) be designed so as to be compatible with surrounding uses;
(c) provide for a mixture of residential and commercial uses in addition to the parking; and
(d) incorporate only residential uses along the Clyde Street frontage.

Policy 2.4.1 The City should strongly encourage an additional amount of parking for public use to serve not only the area but the adjacent portion of the CBD, as well.



Spring Garden Road Commercial Area Plan

Map I

Generalized Future Land Use

- Commercial
- Mixed Residential - Commercial
- Institutional

Metres
0 25 50

City of Halifax
Planning Department

3. Urban Design

Objective:

THE RETENTION OF THE PRESENT SCALE AND CHARACTER OF SPRING GARDEN ROAD AND ITS ENHANCEMENT AS AN ENVIRONMENT FOR PEDESTRIAN ACTIVITY.

Policy 3.1 New development on Spring Garden Road should be designed to strengthen the general scale and open character of the present streetscape.

Policy 3.2 New development on Spring Garden Road shall be sited on or close to the building line adjacent to the sidewalks to encourage the retention of a continuous street frontage of retail and other uses that promote pedestrian activity and interest.

Policy 3.3 New development on Spring Garden Road shall be designed to permit sunlight penetration to pedestrian level on the north side of Spring Garden Road for approximately six months of the year.

Policy 3.4 New development on Spring Garden Road should be designed to minimize the effect of air turbulence at pedestrian level on Spring Garden Road.

Policy 3.5 The City shall seek to achieve a phased program for the burial or relocation of overhead electricity and telephone cables, particularly along Spring Garden Road.

Objective:

THE REDUCTION OF THE VISUAL IMPACT OF NEW DEVELOPMENT ON THE CHARACTER OF THE SURROUNDING AREAS.

Policy 3.6 New development on South Park Street should be designed to minimize its visual impact on the Public Gardens and Victoria Park.

Policy 3.7 New development on Clyde Street should be compatible in scale with the existing residential development south of Clyde Street.

Policy 3.8 The City shall establish maximum building heights at the building line and setback requirements in the Spring Garden Road Area to achieve the intent of Policies 3.2, 3.3, 3.4, 3.6 and 3.7 above.

4. Transportation

Objective:

THE MAINTENANCE OF AN ADEQUATE NETWORK FOR THE CIRCULATION OF PEOPLE AND GOODS, RECOGNIZING SPRING GARDEN ROAD AS A MAJOR TRAFFIC ARTERY BUT ALSO GIVING CONSIDERATION TO PEDESTRIAN SAFETY AND COMFORT.

Policy 4.1 Spring Garden Road shall remain a major vehicular and transit route to and from the Central Business District.

Policy 4.2 Sackville Street and South Park Street should be retained as truck routes on the periphery of the area.

Policy 4.3 The City shall require new development on lots 2,000 m^2 or larger to provide off-street truck loading and unloading facilities so that they do not unnecessarily impede or disrupt other vehicular movements or endanger pedestrians, and are consistent with the policies of this Plan.

Objective:

THE PROVISION OF ADEQUATE OFF-STREET PARKING SPACES IN APPROPRIATE LOCATIONS TO SERVE COMMERCIAL ACTIVITIES IN THE SPRING GARDEN ROAD AREA AND IN THE CENTRAL BUSINESS DISTRICT.

Policy 4.4 Accommodation of short-term parking shall be made through the use of on-street parking meters and off-street parking lots located throughout the area where consistent with traffic flows.

Policy 4.5 The City shall require new commercial or mixed-use development on lots 2,000 m^2 or larger to provide parking so that there continues to be an adequate supply of such space to serve the needs of the Spring Garden Road Area as a whole, and part of the adjacent CBD.

5. Generalized Future Land Use Map

Policy 5.1 The Generalized Future Land Use Map (Map 1) should be considered as the expression of intent of the City of Halifax for a future land use pattern, based on the policies outlined in this Plan.

Policy 5.2 The areas of future land use shown on the Future Land Use Map shall be determined primarily by the objectives and policies which correspond to the primary use shown. All other objectives and policies shall apply as appropriate, but shall be subordinate to the primary objectives and policies.

PART III

SUMMARY OF PROPOSED CHANGES

TO THE

ZONING BYLAW

1. Purpose
2. General Provisions
3. Major Commercial Zone
4. Residential-Commercial Mix-Zone
5. Park and Institutional Zone
6. Height Precinct

1. PURPOSE

This section summarizes the proposed zoning and general provisions necessary to carry out the intent of the proposed Spring Garden Road Commercial Area Plan in accordance with the provisions of the Nova Scotia Planning Act.

It provides a general idea of the changes that would take place in zoning regulations if the Plan were to be adopted. The report has been presented in this form for two reasons:

i) a zoning bylaw in final form is a legislated document that, with its legal terminology, may be difficult to comprehend easily and quickly; and

ii) as the proposed Spring Garden Road Commercial Area Plan is presently in a draft form that may well be amended, and as the zoning bylaw is required to carry out the intent of the Plan, it was felt inappropriate to prepare a complete zoning package prior to finalizing the Plan recommendations.

2. GENERAL PROVISIONS

2.1 The Spring Garden Road Area is rezoned as described below, to facilitate a mixture of residential and commercial uses within the area, and permit such uses to occur within the same building envelope (Map 2).

2.2 A "Height Precinct" Map (Map 3) is added to the bylaw in order to establish a height limitation on the street facade of new development in certain areas, and permit buildings to exceed this height only if there is a step back above that level. The intent of this is to:

i) permit the penetration of sunlight at pedestrian level on Spring Garden Road for approximately six months of the year;

ii) minimize the effect of air turbulence on pedestrian activity on Spring Garden Road;

iii) retain the existing scale of development along Spring Garden Road;

iv) minimize the visual impact of new development on adjacent major public open space, namely the Public Gardens and Victoria Park; and

v) ensure that the scale of new development along Clyde Street is compatible with the scale of the existing residential area south of Clyde Street.

2.3 Schedules "C" and "N" are removed from the Spring Garden Road Area.

3. C-2(S) ZONE: MAJOR COMMERCIAL

The following is a general description of the proposed C-2(S) Zone as shown on Map 2.

3.1 The following uses shall be permitted in any C-2(S) Zone:

i) commercial enterprises, including retail and personal service uses; restaurants, taverns and lounges; offices; hotels and motels.

ii) all entertainment uses, clubs, and cabarets, excluding adult entertainment uses, and amusement arcades.

iii) all institutional uses.

iv) all residential uses.

v) any uses accessory to the foregoing.

3.2 No front, side, or rear yards are required, except in the case of exclusively residential buildings, where all the requirements of the appropriate residential zoning shall apply.

3.3 The following are special requirements in the C-2(S) Zone for the Spring Garden Road Area:

3.3.1 Residential uses may be combined with other uses listed in 3.1 above, within the same building envelope.

3.3.2 Off-street servicing facilities, including loading and unloading facilities, shall be required for any new development on a lot greater than 2,000 m^2 in area.

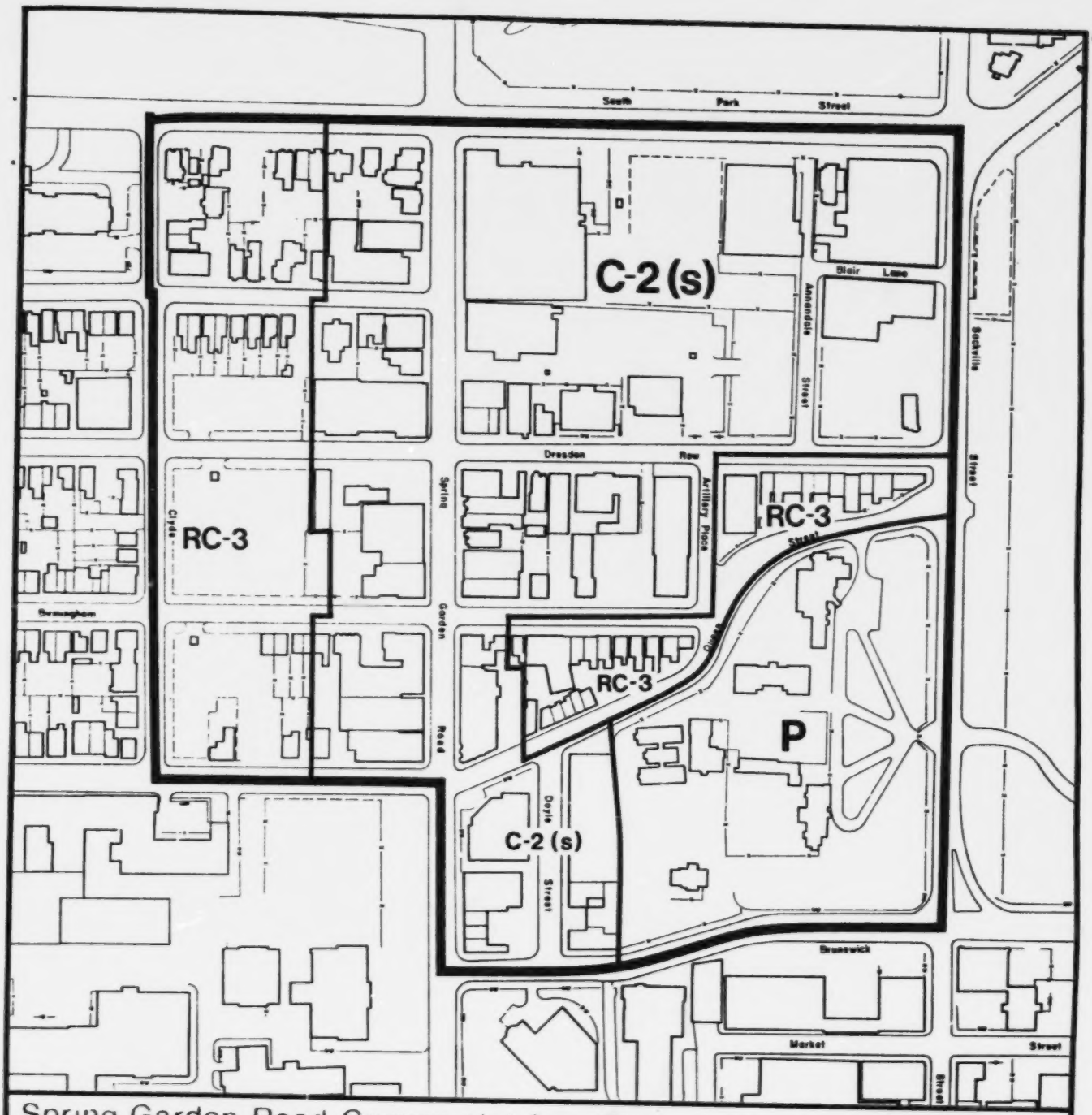
3.3.3 Parking shall be required at the rate of:

i) 1 space for every 60 m^2 of floor space other than residential, in any new development.

ii) 1 space for every 4 residential bachelor and one-bedroom units in any new development.

iii) 1 space for every 2 residential units with two-bedrooms or more in any new development.

iv) 1 space for every 60 m^2 of covered lot area in any new development. These spaces will be required to serve the general needs of the Spring Garden Road Area and will be additional to any parking provision required under 3.4.2(i), (ii), and (iii) above.



Spring Garden Road Commercial Area Plan

Map 2

Proposed Zoning

C-2 (s)	Commercial (special)
RC-3	Residential / Commercial Mix
P	Park and Institutional

Metres
0 25 50

City of Halifax
Planning Department

The above requirements only apply when the development is on a lot greater than 2,000 m^2 in area.

3.3.4 Such parking provision may be provided on a lot or lots within the C-2(S) Zone that are separate from the main development.

3.3.5 Notwithstanding 3.3.2, 3.3.3 and 3.3.4 above, no access to or from off-street servicing facilities or parking areas shall be permitted directly on Spring Garden Road.

3.4 Only uses identified in 3.1(i) above, excluding offices, shall be permitted at grade adjacent to the sidewalks on Spring Garden Road between South Park Street and Queen Street.

4. RC-3 Zone: RESIDENTIAL-COMMERCIAL MIX

The following is a general description of the proposed RC-3 Zone, as shown on Map 2.

4.1 The following uses shall be permitted in an RC-3 Zone:

i) all residential uses.

ii) retail uses, excluding motor vehicle dealers, motor vehicle repair shops, and service stations.

iii) service and personal service uses.

iv) small business or professional offices.

v) branch bank or trust company offices.

4.1.1 Residential uses may be combined with other uses listed in 4.1 above, within the same building envelope.

4.2 Adult entertainment uses, and pinball and amusement arcades shall not be permitted in an RC-3 Zone.

4.3 In any new mixed-use building, the commercial gross floor space shall not exceed 40 percent of the total gross floor space. Total gross floor space shall not include parking.

4.4 In any new residential building, the combined total of one-bedroom and bachelor units shall not exceed 75 percent of all residential units.

4.5 In an existing building, commercial uses may extend throughout the building.

4.6 No front or side yards are required, except in the case of exlusively residential buildings where all the requirements of the appropriate residential zoning shall apply.

4.7 The following are special requirements in the RC-3 Zone in the Spring Garden Road Area.

4.7.1 Off-street servicing facilities, including loading and unloading facilities, shall be required for any new development on a lot greater than 2,000 m^2 in area.

4.7.2 Parking shall be required at the rate of:

i) 1 space for every 4 residential bachelor and one-bedroom units in any new development;

ii) 1 space for every 2 residential units with two-bedrooms or more in any new development.

The above requirements only apply when the development is on any lot greater than 2,000 m^2 in area.

4.8 Contracts under Section 33(2)(b) of the Nova Scotia Planning Act.

For the areas abutting the north side of Clyde Street now predominantly used for public parking, development in conformity with the RC-3 Zone may be permitted by contract provided that:

i) accommodation shall be provided for not less than 500 short-term public parking spaces within this zone, in addition to whatever parking requirement may be generated by the development itself.

ii) such accommodation may extend to three levels above grade.

iii) in any proposal that covers only part of this zone, the number of short-term parking spaces will be proportional to the amount of the total lot area being covered.

iv) notwithstanding the provisions of the RC-3 Zone, commercial accommodations may extend to six levels above grade.

v) notwithstanding the provisions of the RC-3 Zone, only residential uses shall be accommodated along the Clyde Street frontage.

5. P Zone - PARK AND INSTITUTIONAL

5.1 The uses and conditions for this zone are those set out in the Zoning Bylaw for the Peninsula Area without revisions.

6. HEIGHT PRECINCT

6.1 Building facades at the street line on the following streets shall not exceed 10.5 m in height above the adjacent sidewalk:

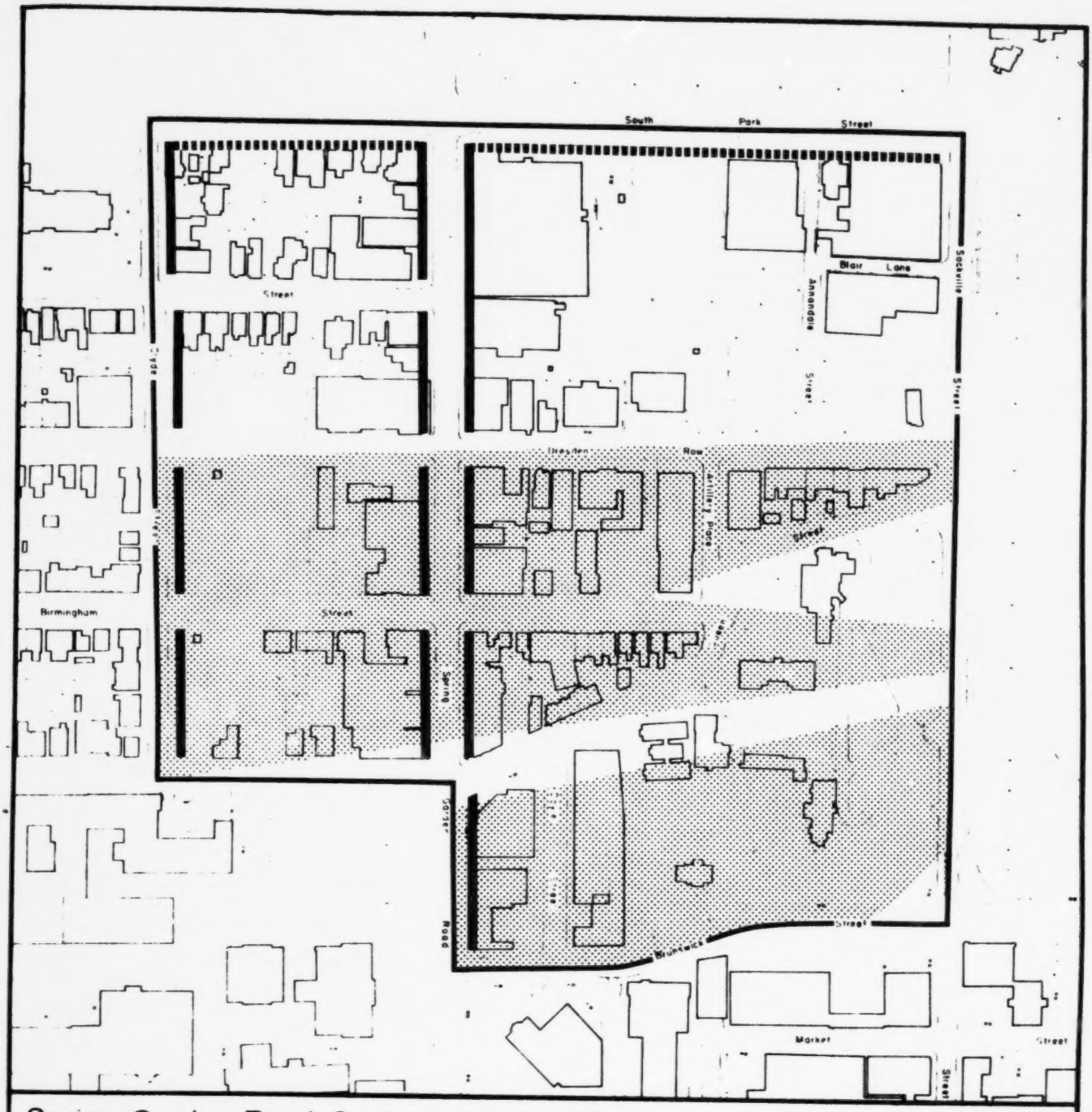
Spring Garden Road
Clyde Street and Brenton Place

6.2 Building facades at the street line on the following streets shall not exceed 20 m in height above the adjacent sidewalk:

South Park Street

6.3 The overall height of development will be permitted to exceed the height of the facades as defined in 6.1 and 6.2 above, provided that there is a set back of 3 m for every 2 m that the development exceeds that permitted facade.

6.4 Notwithstanding 6.3 above, no new development will be permitted to exceed the height permitted under the view planes section of the Zoning Bylaw (Section 25).



Spring Garden Road Commercial Area Plan

Map 3

Height Precincts

Maximum elevation 10.5m at street line
Setback of 3m for every 2m additional height

Maximum elevation 20m at street line
Setback of 3m for every 2m additional height

Area under viewplanes

Metres
0 25 50

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POOR

QUALITY

ORIGINAL